IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4924 OF 2004
IN
CRIMINAL APPEAL NO.1350 OF 2004

Mr. Razak Hussain S/o Hussain
Kader Shaikh & Anr. ...Applicants.

V/s

State of Maharashtra ...Respondents.

Mr. Prakash Naik for the applicants.
Mr. A.S. Shitole for the State.

CORAM: V.M.KANADE,J.
DATE : 4th April 2005

P.C.

1. Heard the learned Counsel for the applicants.

2. Applicants were convicted by the Trial Court under section 489-C of the IPC and sentenced to suffer RI for 5 years.

3. It is the prosecution case that fake 92 and 90 currency notes respectively were found with the applicants. Both the applicants are in jail since last three years and four months. The Trial Court convicted them and sentenced them to suffer RI for five years.

4. The learned Counsel appearing for the applicants invited my attention to the order passed by this Court

dated 24/1/2005 in which bail was granted to the other co-accused. It is submitted that similar affidavit in reply was filed in those applications and the applicants seek parity with the order passed by this Court granting bail to the other co-accused.

5. Applicants were acquitted of the offence punishable under section 498B of the Indian Penal Code. Though the Trial Court passed an order on 18th August, 2004, no appeal against acquittal has been filed by the State so far.

6. Since the applicants have practically undergone 2/3rd of the sentence imposed by the Trial Court and since the other co-accused have been released on bail by order dated 24/1/2005, the present applicants be released on bail in the sum of Rs 10,000/- each with one or two sureties in the like amount. Applicants shall give local securities. Applicants to give permanent address in Mumbai as also in Karnataka. They shall report to D.C.B., C.I.D Unit IX, Bandra (West) once in a month. Liberty to the State to apply under section 390 Cr.P.C. if appeal against acquittal is filed against the order of acquittal under section 498-B of the IPC.

V.M. KANADE, J.